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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SING, SIMON P	
ART UNIT	**PAPER NUMBER**
2645	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/281,396	PELLETIER, DALE T.	
	Examiner	Art Unit	
	Simon Sing	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 1 and 24 is withdrawn in view of the newly discovered reference(s) to Sakayori et al. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4, 6-9, 11-14, 18, 20-24 and 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakayori et al. Japanese Patent No. 5-22428 in view of Lauritsen et al. US 5,570,025.

2.1 Regarding claim 1, Sakayori discloses a multifunction telephone 1 connecting to a PBX 7 in figure 1, comprising:

a housing (a telephone set inherently has a housing);

a dialing interface (a PC board with electronic circuits) mounted in the housing for communicating with a voice messaging interface in PBX 7 (para. 0015);

a plurality of dialing keys (figure 1) operably connected to the dialing interface;

a voice message alert and retrieval device, comprising a message retrieval key 4 and a message lamp 3, said messaging lamp is activated by a voice messaging system (call management interface) in PBX 7 when a voice message for the multifunction telephone 1 is received, and when a user of multifunction telephone 1 presses the message retrieval key 4, the voice message is played to the user (para. 0014, 0015).

Sakayori fails to teach that the message lamp is mounted underneath message retrieval key 4.

However, Lauritsen discloses a cellular telephone, comprises a housing (by inherency), a plurality of dialing keys 16, a dialing interface (by inherency) and a transceiver (figure 1; column 2, lines 63-67; column 3, lines 1, 7-10), a voice message key 18 (Abstract; figure 1). Lauritsen teaches a light source (LED) 46 (figure 2) locating underneath key 18 (column 5, lines 53-55), wherein message key 18 is translucent (substantially transparent), which allows light from light source 46 to pass through (column 4, lines 9-11). Lauritsen further teaches that when there is a voice message waiting, the light source 46 is on, and a user presses (activates) the message key 18 and a send key, the voice message is retrieved from a remote voice messaging system and played through speaker 42 (column 1, lines 54-64; column 3, lines 22-28, 64-67; column 4, lines 1-8). The message key 18 is marked with a legend "MAIL" and is visually distinct from it adjacent keys (see figure 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sakayori reference with the teaching of Lauritsen so that the message retrieval key 4 would have had a legend "MAIL" or

"VOICE MSG" and the message lamp 3 would have been mounted underneath message retrieval key 4, because such a modification would have help a user to locate the message retrieval key 4, which would have been lighted once a voice message for multifunction telephone 1 was recorded by the voice messaging system in the PBX 7.

2.2 Regarding claim 2, the modified Sakayori reference, teaches dialing a voice messaging system when the message retrieval key is pressed (Lauritsen, column 3, lines 64 to column 4, lines 3).

2.3 Regarding claim 3, the modified multifunction telephone 1 has a memory for storing the telephone number of voice messaging system.

2.4 Regarding claim 4, a multifunction telephone inherently has a processor (see US 5,535,262 issued to Kanzawa, figures 2 and 3, column 4, line 53 to column 5, line 30).

2.5 Regarding claim 6, it is inherent that a pushing button telephone keypad produces DTMF.

2.6 Regarding claim 7, Sakayori teaches connecting multifunction telephone 1 to PBX 7 by a telephone line 14 (figure 1).

2.7 Regarding claim 8, the modified Sakayori reference, teaches a messaging waiting lamp mounted underneath a message retrieval key, and as taught by Lauritsen, the message retrieval key can be one of the dialing keys.

2.8 Regarding claim 9, Sakayori teaches a push button (touch sensitive) message retrieval key 4.

2.9 Regarding claim 11, as discussed in claim 1, the modified the message retrieval key comprises a legend (graphical icon) "MAIL" or "VOICE MSG".

2.10 Regarding claim 12, as discussed in claim 1, the messaging lamp is mounted directly underneath the message retrieval key.

2.11 Regarding claim 13, the modified Sakayori reference, the message lamp is a LED (message light 46 of Lauritsen, column 3, lines 64-65).

2.12 Regarding claim 14, as discussed in claim 1, the messaging lamp is mounted directly underneath the message retrieval key.

2.13 Regarding claim 18, Sakayori discloses a multifunction telephone 1 connecting to a PBX 7 in figure 1, comprising:

a housing (a telephone set inherently has a housing) having a connection for a telephone cord 14;

a dialing interface (a PC board with electronic circuits) mounted in the housing for communicating with a voice messaging interface in PBX 7 (para. 0015);

a plurality of dialing keys (figure 1) operably connected to the dialing interface;

a transceiver (by inherency), such as a line interface, for communicating with PBX 7;

a voice message alert and retrieval device integrated in the housing, comprising a message retrieval key 4 and a message lamp 3 and located outside a line defining the outer periphery of the dialing keys (figure 1), said messaging lamp is activated by a voice messaging system (call management interface) in PBX 7 when a voice message for the multifunction telephone 1 is received, (para. 0014) (The signal for activating the message lamp inherently is received through the transceiver);

a transmitter (handset microphone and its amplifier) attached to the housing and electrically connected to the transceiver;

a receiver (handset earpiece) attached to the housing and electrically connected to the transceiver, wherein, a single action (press) of the message retrieval key 4 caused the voice message to be played to the user through the receiver.

Sakayori fails to teach that the message lamp is mounted underneath message retrieval key 4.

However, Lauritsen discloses a cellular telephone, comprises a housing (by inherency), a plurality of dialing keys 16, a dialing interface (by inherency) and a

transceiver (figure 1; column 2, lines 63-67; column 3, lines 1, 7-10), a voice message key 18 (Abstract; figure 1). Lauritsen teaches a light source (LED) 46 (figure 2) locating underneath key 18 (column 5, lines 53-55), wherein message key 18 is translucent (substantially transparent), which allows light from light source 46 to pass through (column 4, lines 9-11). Lauritsen further teaches that when there is a voice message waiting, the light source 46 is on, and a user presses (activates) the message key 18 and a send key, the voice message is retrieved from a remote voice messaging system and played through speaker 42 (column 1, lines 54-64; column 3, lines 22-28, 64-67; column 4, lines 1-8). The message key 18 is marked with a legend "MAIL" and is visually distinct from it adjacent keys (see figure 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sakayori reference with the teaching of Lauritsen so that the message retrieval key 4 would have had a legend "MAIL" or "VOICE MSG" and the message lamp 3 would have been mounted underneath message retrieval key 4, because such a modification would have help a user to locate the message retrieval key 4, which would have been lighted once a voice message for multifunction telephone 1 was recorded by the voice messaging system in the PBX 7.

2.14 Regarding claim 20, Sakayori discloses a multifunction telephone 1 connecting to a PBX 7 in figure 1, comprising:

a message lamp (indicator) 3;

a plurality of dialing keys (not shown, a telephone inherently has dialing keys);

a message retrieval key 4, positioned away from dialing keys; and

a speaker (a telephone inherently has a speaker, such a the earpiece in a handset), wherein said messaging lamp is activated by a voice messaging system in PBX 7 when a voice message for the multifunction telephone 1 is received, and when a user of multifunction telephone 1 presses the message retrieval key 4, the voice message is played to the user through the speaker (para. 0014, 0015).

Sakayori fails to teach that the message lamp is mounted underneath (integrated) message retrieval key 4.

However, Lauritsen discloses a cellular telephone, comprises a plurality of dialing keys 16, a dialing interface (by inherency) and a transceiver (figure 1; column 2, lines 63-67; column 3, lines 1, 7-10), a voice message key 18 (Abstract; figure 1). Lauritsen teaches a light source (LED) 46 (figure 2) locating underneath key 18 (column 5, lines 53-55), wherein message key 18 is translucent (substantially transparent), which allows light from light source 46 to pass through (column 4, lines 9-11). Lauritsen further teaches that when there is a voice message waiting, the light source 46 is on, and a user presses (activates) the message key 18 and a send key, the voice message is retrieved from a remote voice messaging system and played through speaker 42 (column 1, lines 54-64; column 3, lines 22-28, 64-67; column 4, lines 1-8). The message key 18 is marked with a legend "MAIL" and is visually distinct from it adjacent keys (see figure 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sakayori reference with the teaching of

Lauritsen so that the message retrieval key 4 would have had a legend "MAIL" or "VOICE MSG" and the message lamp 3 would have been mounted underneath message retrieval key 4, because such a modification would have help a user to locate the message retrieval key 4, which would have been lighted once a voice message for multifunction telephone 1 was recorded by the voice messaging system in the PBX 7.

2.15 Regarding claim 21, Lauritsen teaches that the message key is an oval shape, which different than other keys of Sakayori.

2.16 Regarding claims 22 and 23, Sakayori teaches that the message retrieval key 4 is spaced with different distances from adjoining key 5 and function keys.

2.17 Regarding claim 24, Sakayori teeahces a PBX based voice messaging system (para. 0014 and 0015).

2.18 Regarding claim 27, as discussed in claim 1, Laurisen teaches that the message key comprising a translucent material.

2.19 Regarding claim 28, the modified Sakayori reference, the message retrieval key 4 inherently has a downward surface, such as its side surface, and the light from lamp 3 underneath is passing though the downward surface.

2.20 Regarding claim 29, the modified Sakayori reference, Lauritsen teaches that the light source for a message indicator is a LED.

2.21 Regarding claim 30, Sakayori teaches lighting up the message lamp when a voice message is recorded.

2.22 Regarding claim 31, as discussed in claim 20, Lauritsen teaches that the message key comprising a translucent material.

2.23 Regarding claim 32, the modified Sakayori reference, the message retrieval key 4 inherently has a downward surface, such as its side surface, and the light from lamp 3 underneath is passing though the downward surface.

2.24 Regarding claim 33, the modified Sakayori reference, Lauritsen teaches that the light source for a message indicator is a LED.

2.25 Regarding claim 34, Sakayori teaches a plurality of function keys 6 in figure 1.

3. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lauritsen et al. US 5,570,025 in view of Buhrmann US 6,405,032.

Lauritsen discloses a cellealr telephone comprising a voice message access key (first key) 18 (Abstract; figure 1), with a message indicator (LED) 46 (figure 2) locating underneath (column 5, lines 53-55), wherein message key 18 is translucent (substantially transparent), which allows light from light source 46 to pass through (column 4, lines 9-11). Lauritsen teaches that when there is a voice message waiting, the indicator 46 is on, and a user presses (activates) the message access key 18 and a send key, the voice message is retrieved from a remote voice messaging system and played through speaker 42 (column 1, lines 54-64; column 3, lines 22-28, 64-67; column 4, lines 1-8). The message key 18 is marked with a legend "MAIL" and is visually distinct from it adjacent keys (see figure 1).

However, Buhrmann discloses a cellular telephone 10 in figurer 1. Buhrmann teaches a VMS Access key, which provides speed-dial type access to a remote voice messaging system 23. Buhrmann further teaches that the VMS Access key can be stand alone or one of the keys of keypad 14 (column 2, line 42 to column 3, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Lauritsen reference with the teaching of Buhrmann, so that the message key 18 with the message indicator would have been a key stand alone away from the dialing keys, because using a separate key or one of a dialing keys as a message retrieval key would have been a matter of design choice.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakayori et al. Japanese Patent No. 5-22428 in view of Lauritsen et al. US 5,570,025 and further in view of Christain et al. US 4, 363,936.

The modified Sakayori reference, teaches playing a voice message to a user, but fails to specifically teach that the multifunction telephone 1 has a speaker mounted on the housing.

However, Christain discloses a multifunction telephone 16 in figure 2. Christain teaches a speaker for the multifunction telephone 16 in figure 3 (column 8, lines 57-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Sakayori reference, which was modified by Lauritsen, with the teaching of Christain, so that the multifunction telephone 1 would have comprixed a speaker, because such a modification would have provided a hands free operation for the user, and using a speakerphone would have not changed the message retrieval function of Sakayori.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakayori et al. Japanese Patent No. 5-22428 in view of Lauritsen et al. US 5,570,025 and further in view of Burgess, US Patent 6,031,465.

The modified Sakayori reference, teaches mounting light source underneath a message retrieval key, but fails to teach that the switch can be a membrane switch.

However, the Burgess reference discloses a keyless entry system for vehicles in that membrane switches with backlight are used (figures 1,3, 5 and column 6, lines 9-11 and lines 24-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Wakako reference, which was modified by Lauritsen, with the teaching of Burgess so that the message button could be a membrane one, because using a membrane switch instead of a push button switch was a design choice since it did not change the functionality of the message retrieval key.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakayori et al. Japanese Patent No. 5-22428 in view of Lauritsen et al. US 5,570,025 and further in view of Charlier US 5,153,590.

The modified Sakayori reference, teaches mounting light source underneath a message retrieval key, but fails to teach using a LED and a light pipe to direct the light to the upper surface of the message key.

However, the Charlier reference in figure 1, discloses a keypad apparatus in that lights from LEDs are directed by a light pipe element 105 to the keys' elements 103 (column 3, lines 47-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sakayori reference, which was

modified by Lauritsen, with the teaching of Chalier so that the light source assembly would have comprised a LED and a light pipe so that the light would have been directed to the upper surface of the message key, because such a modification would have enabled a user to mount a light source away from the message key in case the message key assembly did not include a light source and also did not have room to put one in.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakayori et al. Japanese Patent No. 5-22428 in view of Lauritsen et al. US 5,570,025 and further in view of Akiyama, US 5,153,906.

The modified Sakayori reference, teaches mounting light source underneath a message retrieval key, but fails to teach that the light source can be a matrix display assembly.

However, the Akiyama reference discloses in figure 5, that a status lamp on a telephone set can be replaced by a matrix display to indicate the name of a recipient of a speed-dial key (column 6. lines 34-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sakayori reference, which was modified by Lauritsen, with the teaching of Akiyama so that the light source was a matrix display instead of a lamp, because such a modification would have enabled the

light source to show more information about the message such as the name of a caller or the number of messages had received.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakayori et al. Japanese Patent No. 5-22428 in view of Lauritsen et al. US 5,570,025 and further in view of Kavanaugh et al. US 6,223,233.

The modified Sakayori reference, teaches mounting light source underneath a message retrieval key, but fails to teach that the message retrieval key comprises a touch screen and the light source is a liquid crystal (LCD) element.

However, the Kavanaugh reference, a wallet for personal information device in figure1, comprises a LCD touch-panel 12 (column 2, lines 1-2) and states in column 4, lines 37-39: "The user selects any one of the displayed icons to implement the corresponding organizer feature".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sakayori reference, which was modified by Lauritsen, with the teaching of Kavanaugh so that the message button could be an icon on a touch-panel and the light source was a LCD element, because such a modification would have enabled a user to identify the media type of a message on a LCD display, if the call message interface could generate different icons for different messages such as voice mail, e-mail or call-back to an extension telephone.

9. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakayori et al. Japanese Patent No. 5-22428 in view of Lauritsen et al. US 5,570,025 and further in view of Corwith US 5,612,995.

9.1 Regarding claim 25, the modified Sakayori reference, teaches mounting a message waiting indicator underneath a message retrieval key, but fails to teach that the indicator is powered by a telephone line.

However, Corwith discloses a message waiting lamp161 in figure 2. Corwith teaches that the lamp 161 is powered by a telephone line (column 1, lines 38-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Sakayori reference, which was modified by Lauritsen, with the teaching of Corwith so that the message lamp 3 would have been powered by a telephone line, because such a modification would have clarified how the message lamp 3 was lighted.

9.2 Regarding claim 26, Sakayori teaches a message waiting lamp 3 to indicate a missed call.

Response to Arguments

10. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (571) 272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (571) 272-7545. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

S. Sing

03/21/2005

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